IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1973 OF 2006

Dr. Achyut Godbole ...Petitioner
Vs.
State of Maharashtra & Ors. ...Respondents

Mr I.M. Khairdi i/by Mr V.S. Talkute for the Petitioner.
Mr R.M. Lathe, A.G.P. for the Respondent Nos.1 to 4.
Mr H.S. Venegavkar for the Respondent No.5.

CORAM : S. B. MHASE, J.
DATE : MARCH 23, 2006.

P.C.:

1. Heard the learned Counsel for the Respondent No.5-Bank. Bank stated that it is notified society under section 73(I)(c) and the elections are being conducted by the Registrar under Chapter VA of the Maharashtra Co-operative Societies Rules. He further states that objections to the preliminary voters list raised by the Petitioners have been decided by the Registrar by the letter dated 20th March, 2006. He also further placed on record the order passed by the Registrar. Statement is accepted.

2. In view of this statement, the learned counsel for the Petitioner states that he may be allowed to withdraw the Petition to the extent of a challenge in respect of the preliminary voters list with liberty to

challenge the order dated 20th March, 2006 passed by the Registrar finalising the voters list. He further submitted that there is prayer for appointing an administrator and he is pressing the Petition to that effect.

3. In view of the statements made by the counsel for both sides and in view of the preparation of the voters list and finalising the same, the Petitioner is allowed to withdraw the Petition to the extent of challenge in respect of preparation of voters list with liberty to file appropriate proceeding in appropriate forum to challenge the said order.

4. So far as prayer for appointment of administrator is concerned, power to appoint administrator is provided under section 77-A and 78 and since that is an appropriate remedy available to the Petitioner, the Petitioner may approach the appropriate coram for seeking the relief. In view of the alternate remedy available, this court is not inclined to entertain petition for such relief. Petition is disposed of.

JUDGE